

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIOGENS MENDEZ,

Plaintiff(s),

Justice (Chin, J)
08 CV 01281

- against -

MOHAMED M. DIALLO, LEVEL TRANS CORP.,
129 BROADWAY, INC., BILL WOLF PETROLEUM
CORP., and HORIZON PLANNING SERVICES,
LTD.,

Defendant(s).

-----x
Interrogatories

SIR:

PLEASE TAKE NOTICE that the defendant(s) require(s) that the plaintiff(s) answer
under oath, within the time prescribed by the rules of this Court, the interrogatories annexed
hereto.

Dated: New York, New York
March 20, 2008

Yours, etc.,

MARJORIE E. BORNES, ESQ. (MEB6505)
Attorney for Defendant(s) *Level Trans Corp*
330 West 34th Street-7th Floor
New York, NY 10001
(212) 857-8252

TO: BARON & PAGLIUGHI, ESQS.
Peter D. Baron (PDB 8519)
Attorneys for Plaintiff
85 Main Street – Suite A
Cold Spring Harbor, NY 11724
(631) 367-7000

By Regular Mail:

MOHAMED M. DIALLO
2937 8th Avenue
New York, NY 10039

129 BROADWAY, INC.
3225 Broadway
New York, NY 10027

HORIZON PLANNING SERVICES LTD.
550 Old Country Road, Suite 410
Hicksville, NY 11801

BILL WOLF PETROLEUM CORP.
3225 Broadway
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SIRS:

PLEASE TAKE NOTICE that pursuant to Rule 33 of the Federal Rules of Civil Procedure, the plaintiff is hereby required to answer under oath within thirty (30) days the following interrogatories:

1. State plaintiff's full name, date and place of birth, present address, maiden name, if married, and social security number.
2. State plaintiff's home address at the time of the alleged accident.
3. The date and time of the occurrence.
4. The location of the accident in sufficient detail to permit identification, giving directions in which each car was proceeding.
5. Statement of the acts or omissions constituting the negligence claimed.
6. The statutes, rules, regulations or ordinances, if any, claimed to be violated, specifying the particular provisions and in what manner same were allegedly violated.
7. Describe in detail your version of the accident or occurrence setting forth the date, location, time and weather and specifying which part(s) of the respective vehicles came into contact with each other or with pedestrians, or fixed objects.
8. If the accident occurred at an intersection, set forth the type of traffic control device at said intersection, the direction in which each vehicle was traveling prior to the impact, and the location of impact in relation to the intersection.
9. Set forth whether plaintiff was a passenger or driver of a vehicle involved in the impact, identifying the vehicle, its direction of travel before impact and the place where it came to rest after impact. If plaintiff was a pedestrian, indicate where plaintiff was immediately prior to impact and describe how plaintiff claims the accident occurred.
10. Set forth whether plaintiff was ever employed by any of the defendants and, if so,

dates and terms of said employment.

11. Set forth whether plaintiff worked on the vehicle involved in the impact while it was being repaired.

IF PERSONAL INJURIES ARE BEING CLAIMED, SET FORTH (#s 10 through 19):

12. The nature, extent, location and duration of each and every injury alleged to have been sustained by the plaintiff and which, if any, are claimed to be permanent; together with a statement as to whether or not the plaintiff has ever sustained a previous or subsequent injury to those portions of the body which are being claimed herein and if so, the date of said injury.

13. The length of time, giving specific dates, plaintiff was confined to (a) the hospital, (b) bed, and (c) home as a result of the alleged injuries.

14. The amount of wages claimed lost.

15. Total amounts claimed as special damages and names and addresses of all medical providers including all bills for: (a) physicians; (b) medical supplies; (c) nursing services; (d) hospitals; (f) x-ray or other diagnostic tests; and (g) any other items of special damages.

16. Set forth in what respect plaintiff claims to have sustained a serious injury or economic loss as defined in Article 51 of the New York Insurance Law.

IF A DEFECTIVE CONDITION IS CLAIMED (#s 15-17):

17. The defect claimed to have caused the occurrence, giving the nature, location and approximate size.

18. If actual notice is claimed, give the date, time, place, manner, by whom and to whom said notice was given and, if in writing, furnish a copy. If oral, state the substance of the notice, to whom given and when.

19. If constructive notice is claimed, state the nature of the condition and the length of time same is claimed to have existed.

20. State the full name and last known address of every witness of facts and circumstances surrounding the happening of the incident referred to in the complaint or your alleged injuries including but not limited to, eyewitnesses to such event, as well as, medical witnesses and other persons having any knowledge thereof.

21. State whether plaintiff's attorney or anyone acting for plaintiff or his behalf obtained statements in any form from any persons regarding any of the events or happenings that occurred at the scene of the incident referred to in the complaint, providing the names and addresses of each person from whom said statement was taken.

22. State the year, make and license plate number of each vehicle alleged to be involved in the accident.

PLEASE TAKE FURTHER NOTICE that these interrogatories shall be continuing so as to require supplemental answers if additional information is obtained at the time the answers are served and the time of trial.

PLEASE TAKE FURTHER NOTICE that in the event of plaintiff's failure to comply with the aforesaid demand within thirty (30) days, the undersigned will move this court as it deems appropriate for an order dismissing the action and rendering judgment by default for willful failure to disclose information.

Dated: New York, New York
March 20, 2008

Yours, etc.,

MARJORIE E. BORNES, ESQ. (MEB6505)
Attorney for Defendant(s) *Level Trans Corp*
330 West 34th Street-7th Floor
New York, NY 10001
(212) 857-8252

TO: BARON & PAGLIUGHI, ESQS.
Peter D. Baron (PDB 8519)
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Defendant(s).

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CERTIFICATION OF SERVICE BY EFILING AND MAIL

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I hereby certify that on March 20, 2008 the foregoing document **INTERROGATORIES** was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District=s Local Rules, and/or the Southern District=s Rules on Electronic Service, upon:

In addition, on March 20, 2008, I served the same papers described above by depositing a true copy of same enclosed in a post paid properly addressed wrapper in a post office under the exclusive care and custody of the U.S. Postal Service within the State of New York addressed to each attorney or party as follows:

TO: SEE RIDER

MARJORIE E. BORNES

RIDER

By Electronic Filing:

TO: BARON & PAGLIUGHI, ESQS.

Peter D. Baron (PDB 8519)
Attorneys for Plaintiff
85 Main Street – Suite A
Cold Spring Harbor, NY 11724
(631) 367-7000

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INTERROGATORIES

MARJORIE E. BORNES, ESQ.
Attorney for Defendant(s) *Level Trans Corp*
330 West 34th Street - 7th Floor
New York, NY 10001
(212) 857-8252

TO:
Attorney for _____
Service of a copy of the within _____ is hereby admitted.

Dated _____ Attorneys for _____

PLEASE TAKE NOTICE

____ Notice of Entry
that the within is a true copy of a _____ duly entered in the office of the Clerk of the within Court
on _____, 200 .

____ Notice of Settlement
that an order of which the within is a true copy will be presented for settlement to the Hon.
, one of the Judges of the within named Court, at _____ on _____ at _____ A.M.
Dated _____

MARJORIE E. BORNES, ESQ.
Attorney for Defendant(s)
Level Trans Corp
330 West 34th Street - 7th Floor
New York, NY 10001
212-857-8252

TO:
Attorney for _____